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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,817	01/27/2005	Ralf Salameh	710270-016	6860

EXAMINER	
LEUNG, KA CHUN A	

ART UNIT	PAPER NUMBER
3747	

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DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,817	Applicant(s) SALAMEH, RALF	
	Examiner Ka Chun Leung	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on 11/29/2007.

Drawings

2. The cancellation of Claim 16, which the drawing objection was based upon, is acknowledged. Accordingly, the drawing objection has been withdrawn.

Specification

3. Amendments to the Specification have been accepted.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of "having an annular axial sealing lip facing in the axial direction of the opening adjacent an edge of said opening axially outward from said bottom surface of said carrier element" renders the claim indefinite in that it is unclear whether the above limitation describes the structure of the fluid seal or the carrier element. Specifically, the second indent can be read as "a fluid seal...having an annular axial seal" or it could be read as "said carrier element having an annular seal". Note that the carrier element and the fluid seal together for a complete seal as the fluid

seal in and of itself cannot perform the sealing function until it is installed. Therefore, even if the sealing lip structure were to be located on the carrier element, it would inherently be "attached" to the radial sealing lip when installed.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ANTONINI et al

7. Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by ANTONINI et al (US Patent 4,588,195) as cited in the previous Office Action.

8. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by ANTONINI et al (US Patent 4,588,195) as cited in the previous Office Action.

9. Specifically regarding Claim 17, the "radial sealing lip" defined by sealing lip (20) would inherently be "substantially radially aligned" with the carrier element especially when the shaft is in a neutral position or when no shaft is installed. Given the broadest reasonable interpretation, Figure 1 of Antonini et al could be considered as "substantially radially aligned" since the Specification does not distinctly disclose the range that it encompasses.

10. Specifically regarding Claim 18, the first reverse bend (28) and second reverse bend (32) extend generally in the horizontal direction in order to allow the sealing lip (20) to contact the shaft. The two bends form a wave shaped zone which "generally

extends coplanar" with the extending annulus since it extends "generally" in a horizontal direction as depicted in Figure 1.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ANTONINI et al and PHELPS et al

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over ANTONINI et al (US Patent 4,588,195) in view of PHELPS et al (US Patent 4,021,049) as cited in the previous Office Action.

ANTONINI et al, PHELPS et al, and PHILLIPS et al

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over ANTONINI et al (US Patent 4,588,195) and PHELPS et al (US Patent 4,021,049) as applied to Claim 14 above, and further in view of PHILLIPS et al (US Patent 6,527,276) as cited in the previous Office Action.

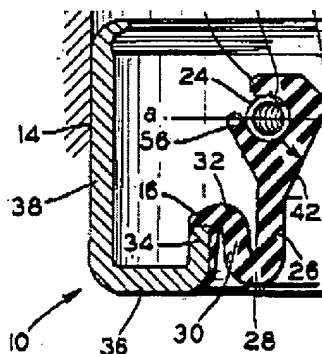
Response to Arguments

14. Applicant's arguments and amendment, see Page 5, filed 11/29/2007, with respect to Claim 12 have been fully considered and are persuasive. The rejection of Claim 12 under 35 USC § 112, 1st Paragraph has been withdrawn.

15. Applicant's arguments and amendment, see Page 5, filed 11/29/2007, with respect to Claims 9 and 11 have been fully considered and are persuasive. The rejection of Claim 9 and 11 under 35 USC § 112, 2nd Paragraph have been withdrawn.

16. Regarding Claim 9, Applicant's arguments filed 11/29/2007 have been fully considered but they are not persuasive.

17. In response to applicant's argument that ANTONINI et al does not disclose axial sealing lip, as discussed above in item 5, it is unclear whether the annular describes the carrier element or the fluid seal. As detailed in the previous Office Action in item 11, the flexible body portion (12) is "attached to the axially extending inside annulus (34) of the outer body (38)" (emphasis added). Note in particular that the inside annulus (34) extends upward axially away from the radial annulus (35). Alternatively, the portion of the seal directly adjacent and attached to the inside annulus (34) could also be considered as the "annular axial sealing lip". As shown below in a zoomed in view of Figure 1 from ANTONINI et al, seal adjacent to the inside annulus (34) extends axially and the bottom tip faces an axial direction of the opening. Furthermore, the thickness of this portion of the seal also extends outwardly away from both the inside annulus (34) and radial annulus (36).



18. In response to applicant's argument that the case (14) of ANTONINI et al is mounted in a cylindrical bore (40) and not "face mounted", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Specifically, Claim 9 recites the bottom surface of the carrier element "to be positioned against a mating component". The structure provided by ANTONINI et al is capable of being placed against a mating component while still performing its intended function. For example if the bore contained a jutting wall or an end cap with a through hole, the bottom surface of the radial annulus (36) would be positioned against a mating component.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ka Chun Leung whose telephone number is (571) 272-9963. The examiner can normally be reached on 7:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCL
Ka Chun Leung
Examiner
Art Unit 3747


STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER